



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



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S-6J

REPLY TO THE ATTENTION OF

Friends of the Parks
Erma Tranter, Executive Director
Eleanor Roemer, General Counsel
55 East Washington, Suite 1911
Chicago, Illinois 60602-2174

Dear Ms. Tranter and Ms. Roemer:

Thank you for your letter of December 11, 2001 with regard to the development of DuSable Park and the removal of possible radioactive material from the site.

With regard to DuSable Park, the United States Environmental Protection Agency (EPA) conducted a radiological survey as part of a general investigative effort of the Streeterville area. In December 2000 we discovered one area of possible radioactive contamination and collected a soil sample for analysis. The analysis indicated the presence of radioactive contamination. EPA worked with the Chicago Park District to have the tall overgrowth cut down so that EPA could perform complete walkover surveys of the site in April and May 2001. These walkover surveys indicated three additional areas of possible contamination.

EPA sent the walkover analysis results to Kerr-McGee, River East L.L.C., the former site owner's corporate successor, and the Chicago Park District, the current site owner. Kerr and River East are named respondents to the June 6, 1996 Unilateral Administrative Order Re: Lindsay Light II Site, Docket No. V-W-96-C-353 (the UAO). EPA issued this order pursuant to Section 106 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) that is commonly known as "Superfund". CERCLA holds past and present owners and operators jointly and severally liable for investigating and cleaning up old hazardous waste sites. In accordance with UAO's requirement that the Kerr-McGee and River East identify offsite radioactive contamination in the Streeterville area, Kerr-McGee conducted a limited analysis of the Park in late June and early July 2001.

EPA was not satisfied with the initial analysis that Kerr-McGee performed and, therefore, this Agency has been working with the Chicago Park District and Kerr-McGee to further characterize the four areas where elevated radiation levels were found and to monitor radiation levels during the construction of DuSable Park. Kerr-McGee submitted its latest draft workplan on November 12, 2001.

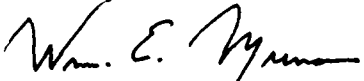
Final construction plans and specifications for DuSable Park will have a major impact on the amount of monitoring that will be required and the amount of radioactive material that may need to be removed from the site. The site in its present state does not present a health risk because it

is secure and the potentially radioactive material is not being disturbed. EPA does not have the authority to dictate the timetable for park development. EPA does have the authority to ensure that the area remains secure and undisturbed until properly investigated and monitored during construction. Until those plans are developed and finalized, it is unclear as to what remediation may be necessary for the park. This Agency is working to facilitate a DuSable Park development timetable as part of the agreement among the Chicago Park District, Kerr-McGee, and EPA.

Kerr-McGee, River East and the Chicago Park District, as the owner of the site, are responsible for characterizing the site and remediating any contamination found above cleanup levels. It is important to note that the Chicago Park District has informally raised an "innocent landowner defense" under CERCLA Section 107(b)(3). Kerr-McGee has likewise informally contested that claim and all the parties are evaluating the circumstances under which the Chicago Park District assumed title to the property and its subsequent actions.

If you have any further questions regarding your letter, please contact Fred Micke On-Site Coordinator at (312) 886-5123 or Mike Joyce, Public Affairs, at (312) 353-5546.

Yours truly,

A handwritten signature in black ink, appearing to read "W. E. Munro".

William E. Munro, Director
Superfund Division